

FILED

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

CV

2015 DEC 22 PM 2:26

2015 12 29 22

DARRELL WILSON
4831 ROCKDALE ROAD
HAMILTON, OHIO 45011

: CASE No.:

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: JUDGE

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AND

LORETTE MCKIBBIN
4831 ROCKDALE ROAD
HAMILTON, OHIO 45011

PLAINTIFFS,

COMPLAINT - OTHER CIVIL

VS.

RECO L. MARSH
4917 E. BENNINGTON ROAD
DURAND, MICHIGAN 48429

JURY DEMAND ENDORSED HEREON

AND

KNIGHT TRANSPORTATION SERVICES, INC.
4275 WESTWARD AVENUE
COLUMBUS, OHIO 43228

SERVE ALSO:

CT CORPORATION SYSTEM, S/A
1300 EAST NINTH STREET
CLEVELAND, OHIO 44114

TO THE CLERK:

REQUEST FOR SERVICE OF PROCESS
ATTACHED WITH FIRST-CLASS MAIL
WAIVER

DEFENDANTS.

PARTIES

1. Plaintiffs Darrell Wilson and Lorette McKibbin are husband and wife, and both have at all relevant times been residents of Butler County, Ohio.

2. Upon information and belief, Defendant Reco L. Marsh is a resident of Shiawassee County, Michigan. He is further believed to have been employed as a commercial vehicle driver for Defendant Knight Transportation at all relevant times herein.

3. Defendant Knight Transportation is a foreign corporation registered with the State of Ohio that, at all relevant times, has regularly conducted business in the State of Ohio and specifically Butler County, Ohio.

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BUTLER COUNTY
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JURISDICTION & VENUE

4. This Court has jurisdiction over this action since it involves civil claims for money damages in excess of \$25,000 arising out of an automobile collision that occurred in the State of Ohio, and Defendant Knight Transportation regularly conducts business within the State of Ohio.

5. Venue is proper because the subject collision occurred in Butler County, Ohio.

FIRST COUNT
NEGLIGENCE

6. The foregoing paragraphs are incorporated as if fully rewritten herein.

7. On or about June 17, 2015, Darrell Wilson was lawfully driving eastbound in the right lane of Hamilton Lebanon Road as he approached a green traffic light at the intersection of Salzman Road.

8. On the same date and at the same time, Reco Marsh drove a 2005 Volvo semi-truck owned by Knight Transportation westbound on Hamilton Lebanon Road when he made an abrupt left turn onto Salzman Road.

9. In making his left turn, Marsh failed to yield the right of way to traffic approaching in the opposite direction (i.e., the eastbound direction of Hamilton Lebanon Road).

10. To avoid an impending collision with the truck driven by Marsh, Darrell was forced to take evasive maneuvers. He slammed on his brakes and swerved left. In so doing, Darrell collided with two other vehicles. The collisions resulted in air bag deployment and disabling damage to all vehicles involved except for the truck driven by Marsh, who continued on his route.

11. As a direct and proximate result of Marsh's negligent or reckless conduct, Darrell suffered serious, painful, and debilitating injuries, some of which may be permanent; incurred

reasonable and necessary medical expenses for the care and treatment of his injuries; experienced pain and suffering, disability, mental anguish, and loss of enjoyment of his life, and lost wages and ability to earn. Darrell will continue to experience these losses into the indefinite future.

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SECOND COUNT
NEGLIGENCE PER SE – R.C. 4511.42

12. The foregoing paragraphs are incorporated as if fully rewritten herein.

13. Ohio law mandates that all motor vehicle operators who intend to turn left at an intersection must yield the right of way to any oncoming vehicle that is either within the intersection or so close to the intersection as to constitute an immediate hazard. R.C. 4511.42.

14. Darrell Wilson was lawfully driving his vehicle along Hamilton Lebanon Road leading up to the intersection of Salzman Road.

15. Because Darrell was operating his vehicle in a lawful manner, Marsh had a specific duty under Ohio law to yield the right of way to Wilson as he approached the intersection of Salzman Road.

16. Marsh breached his duty by turning onto Salzman Road while Wilson was in such proximity to the intersection as to constitute an immediate hazard.

17. As a direct and proximate result of this breach, Darrell suffered severe mental and physical injuries, and incurred damages as previously set forth herein.

18. Marsh's conduct constitutes negligence per se.

THIRD COUNT
RESPONDEAT SUPERIOR

19. The foregoing paragraphs are incorporated as if fully rewritten herein.

20. At the time of the collision, Marsh was employed by, or was an agent of, Knight Transportation.

21. Knight Transportation is responsible for any injuries proximately caused by the negligence of its agents and employees acting within the scope of their agency or employment.

22. Because Marsh acted within the course and scope of his employment when he negligently drove the truck in a manner that caused Darrell to strike other vehicles and become injured, Knight Transportation is liable for Darrell's damages.

FOURTH COUNT
LOSS OF SPOUSAL CONSORTIUM – LORETTE MCKIBBIN

23. The foregoing paragraphs are incorporated as if fully rewritten herein.

24. At all relevant times, Darrell Wilson and Lorette McKibbin have been married and have lived together as husband and wife.

25. Prior to the accident alleged herein, Darrell provided Lorette with love, affection, enjoyment, society, companionship, assistance, aid, guidance, relations, and normal services.

26. As a direct and proximate result of the Defendants' negligence as alleged above, Lorette has been deprived of the love, affection, enjoyment, society, companionship, assistance, aid, guidance, relations, and normal services performed by Darrell.

27. Lorette's loss of consortium claim is reasonably certain to continue into the future.

WHEREFORE, Plaintiffs Darrell Wilson and Lorette McKibbin ask this Court to enter judgment in their favor against Defendants Marsh and Knight Transportation jointly and severally, and award damages in excess of \$25,000, plus interest, court costs, attorney's fees, and all other relief the Court deems just and proper.

Respectfully submitted,



John H. Phillips (0043934)

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JURY DEMAND

A trial by jury is hereby requested on all matters herein.



Anthony B. Holman (0084130)
Attorney for Plaintiffs

DIRECTIONS TO THE CLERK FOR SERVICE OF PROCESS

Please serve the Defendants via certified mail to the addresses listed in the Caption of the Complaint.



Anthony B. Holman (0084130)
Attorney for Plaintiffs

REQUEST FOR SERVICE – FIRST CLASS MAIL WAIVER

Should any Defendant refuse or otherwise not accept Certified Mail delivery, please serve each such Defendant with an address listed in the caption of the Complaint by First-Class Regular U.S. Mail, at the address listed in the caption of the Complaint.



Anthony B. Holman (0084130)
Attorney for Plaintiffs